UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

I DIMAN DROTHERS HOLDINGS INC. at al	x :: ::	Chapter 11
Debtors.	:: :: x	Case No. 08-13555 (JMP)
	x :: :: ::	Adversary Proceeding
v. BNY CORPORATE TRUSTEE SERVICES LIMITED, Defendant.	::	No. 09-01242 (JMP)
	X	

MOTION OF BNY CORPORATE TRUSTEE SERVICES LIMITED FOR LEAVE TO APPEAL THE JULY 19, 2010 ORDER GRANTING LEHMAN BROTHERS SPECIAL FINANCING INC.'S MOTION FOR SUMMARY JUDGMENT AND DENYING BNY CORPORATE TRUSTEE SERVICES LIMITED'S MOTION FOR SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon a Memorandum of Law in Support and the Declaration of Randy M. Mastro, together with the exhibits annexed thereto, BNY Corporate Trustee Services Limited, as Trustee ("BNY"), by its undersigned counsel, hereby moves for leave to appeal, pursuant to 28 U.S.C. § 158(a)(3) and Federal Rules of Bankruptcy Procedure 8001 and 8003, the July 19, 2010 Order of the United States Bankruptcy Court for the Southern District of New York (Hon. James M. Peck) granting the summary judgment motion of Lehman Brothers Special Financing Inc. ("LBSF") and denying the summary judgment motion of BNY.

The Bankruptcy Court's July 19, 2010 Order is a final order that BNY is entitled to appeal as a matter of right. See 28 U.S.C. § 158(a)(1). Out of an abundance of caution, however, and to preserve its rights in case this Court does not agree that the Bankruptcy Court's Order is final, BNY files this motion for leave and the accompanying memorandum, which together satisfy the requirements of Federal Rule of Bankruptcy Procedure 8003. In view of the exceptional circumstances and issues presented in this appeal, BNY respectfully requests oral argument in connection with this motion. See Fed. R. Bankr. P. 8003(b) (allowing district court to hear oral argument on motion for leave to appeal).

Dated: New York, New York August 2, 2010 GIBSON, DUNN & CRUTCHER LLP

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